

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul O. Sheppard, Julia E. Novak, and Fenella Raymond

Serial No.: Not assigned

Group Art Unit: Not assigned

Filed: January 28, 2002

Examiner: Not assigned

For: Tumor Marker Zsig62

Docket No.: 98-76D1

This is a Divisional Application of U.S. Serial No. 09/493,565.

Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, Applicants wish to amend the captioned divisional application as follows.

In the Claims:

Please cancel claims 6 to 12 without prejudice or disclaimer to the subject matter therein.

Please amend the claims as follows.

19. (Amended) A method of detecting a tumor in a human subject, comprising the steps of:

(a) contacting a Zsig62 nucleic acid probe under hybridizing conditions with a test sample comprising either

(i) RNA molecules isolated from a biological sample of the human subject, wherein the biological sample is suspected of containing tumor cells, or

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(ii) nucleic acid molecules synthesized from the isolated RNA molecules,

wherein the nucleic acid probe has a nucleotide sequence comprising either a portion of the nucleotide sequence of nucleotides 113 to 316 of SEQ ID NO:1, or its complement, and wherein the biological sample is obtained from a tissue selected from the group consisting of lung, uterus, breast, fallopian tube, ovary, and gall bladder, and

(b) detecting the formation of hybrids of the nucleic acid probe and the test sample,

wherein the absence of hybrids indicates the presence of a tumor in the tissue obtained from the human subject.

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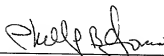
REMARKS

Applicants have cancelled claims 6 to 12, leaving claims 1 to 5 and 13 to 19 pending in the present application. Support for the amendment of claim 19 can be found at least in original claim 19. No new matter has been added by way of these amendments.

A marked-up version of the changes made to the claims is attached to the present amendment. The attached pages are captioned "Version with Markings to Show Changes Made."

Applicants respectfully await examination on the merits. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6681.

Respectfully Submitted,
ZymoGenetics, Inc.



Phillip B. C. Jones
Registration No. 38,195

Version with Markings to Show Changes Made

In the Claims:

Claims 6 to 12 have been cancelled.

Claim 19 has been amended as follows:

19. (Amended) A method of detecting a tumor in a human subject, comprising the steps of:

(a) contacting a *Zsig62* nucleic acid probe under hybridizing conditions with a test sample comprising either

(i) RNA molecules isolated from a biological sample of the human subject, wherein the biological sample is suspected of containing tumor cells, or

(ii) nucleic acid molecules synthesized from the isolated RNA molecules,

wherein the nucleic acid probe has a nucleotide sequence comprising either a portion of the nucleotide sequence of ~~the nucleic acid molecule of claim 8~~ nucleotides 113 to 316 of SEQ ID NO:1, or its complement, and wherein the biological sample is obtained from a tissue selected from the group consisting of lung, uterus, breast, fallopian tube, ovary, and gall bladder, and

(b) detecting the formation of hybrids of the nucleic acid probe and the test sample,

wherein the absence of hybrids indicates the presence of a tumor in the tissue obtained from the human subject.